

MINUTES OF REGULAR MEETING March 2, 2011**CALL TO ORDER**

Mayor Bischoff opened the meeting at 7:00p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; mailed electronically to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE

ROLL CALL Present: Mr. Severino, Mr. Mazza, Ms. McBride, Mrs. Dziubek, Mr. Bischoff
Others Present: J. Peter Jost, Esq., and Ella M. Ruta Municipal Clerk

APPROVAL OF PRIOR MEETING MINUTES

Ms. McBride had a correction on page 1, Visitor’s, second paragraph, last sentence. Add “about damages at the park.” Second correction on page 5, Mr. Bischoff’s correspondence, third paragraph, last sentence. Change to “The Township did not qualify for government reimbursement for the snow storm which we were already aware of.” Mr. Bischoff had a correction on page 7, to change the “favorable roll call vote” to favorable voice vote”.

a. Regular Meeting Minutes February 16, 2011.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mrs. Dziubek			X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

- b. Executive Session Meeting Minutes of February 16, 2011- need correction will be approved after Executive Session Meeting tonight. (Please note the minutes were not approved)
- c. Special Budget Meeting Minutes of February 17, 2011

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza		X	X			
Mrs. Dziubek	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

VISITORS

Leslie Naughton from Instant Verification Inc.

- Presentation of background checks for volunteers working with minor children.

REPORTS RECEIVED

- Road Dept - Weeks Ending 2/11/11; 2/19/11
- Tax Collector – February 2011
- Zoning Officer Report – Mr. Jost will contact Zoning Officer regarding the report.
- Engineer's Report – not submitted for this meeting.

CORRESPONDENCE/WRITTEN COMMUNICATIONSMr. Severino mentioned the following correspondence:

- Solar Law S-2126 permits development of solar and wind facilities and structures on landfills and resource extraction operations under certain circumstances. The Attorney will research if a quarry is a qualified resource extraction operation. Send a copy of S-2126 to Mr. Kirkpatrick of the Planning Board.

Mr. Mazza mentioned the following correspondence:

- Surface treatment program for 2011 from the County – Per the Road Foreman this program was not considered in the past because there was no savings to the Township. The Road Foreman will contact the County to find out the cost and complete the requested form. Mr. Mazza will follow up and update the Committee.
- Brought up the issue of keeping membership with Morris County Co-op. A brief discussion of purchasing alternatives.

Mrs. Dziubek mentioned the following correspondence:

- Perryville Estates Development. The Engineer to re-examine the issue of road escrow.

Ms. McBride mentioned the following correspondence:

- All items were covered.

Mr. Bischoff mentioned the following correspondence:

- JCP&L – Long-Term Capacity Agreement Pilot Program
- A-3766 S-2664 "Market Competition and Consumer Choice Act" passes Assembly – Overview of the legislation. Request a sample resolution from the League.

PUBLIC COMMENTS - none

PUBLIC HEARING

OLD BUSINESS

- a. The following resolution was introduced for adoption:

RESOLUTION #2011-44
UNION TOWNSHIP, HUNTERDON COUNTY
2011 WEBSITE MANAGEMENT AND MAINTENANCE SERVICE CONTRACT

WHEREAS, there exists a need for management and maintenance of an official Township of Union website; and

WHEREAS, the Township has provided funds for such services and said funds have been certified as being available by the Certified Finance Officer; and

WHEREAS, the Fitting & Zidd Internet Marketing Agency is a professional company offering website management services and has expressed a willingness to offer said services in the amount of \$2,400.00 per year, paid quarterly;

THEREFORE, be it resolved by the Township Committee of the Township of Union to enter into Contract with The Fitting & Zidd Internet Marketing Agency for the period of January 1, 2011 to June 30, 2011.

Date: March 2, 2011

CERTIFICATION AS TO AVAILABILITY OF FUNDS
UNION TOWNSHIP, HUNTERDON COUNTY

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, as Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds to award a contract to The Fitting & Zidd Internet Marketing Agency as appropriated in the 2011 Temporary/Adopted Budget.

Date: _____

Grace M. Brennan, CFO

Contract to be effective for 6 months, starting January 1, 2011 to June 30, 2011.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

b. The following resolution was introduced for adoption:

RESOLUTION #2011-
UNION TOWNSHIP, HUNTERDON COUNTY
APPROVING PAYMENTS FOR TAXES BY CREDIT CARDS

The Attorney called several townships about using credit cards for tax payments. One Township accepts credit card payments and the taxpayer pays a 2.5% convenience fee to the credit card company. Some accept electronic checks. Matter tabled.

- c. **Discussion** – Change in Energy Provider. Article in the League magazine mentioned that change in energy provider must be put out to bid. Electronic recycling contract also needs three quotes. Mr. Severino suggested we wait before engaging in this until the budget is settled.
- d. **Discussion** – The Proposed Renewable Energy Ordinance. Waiting for recommendation from UT Planning Board.

- e. The Following Resolution was introduced for Adoption:

**RESOLUTION #2011-
UNION TOWNSHIP, HUNTERDON COUNTY
PERFORMANCE SURETY BOND REFUND – TOLL BROTHERS, INC.**

Tabled until next meeting.

- f. **Motion to Approve:** 2011 Quarry License Renewal – Green Cycle of Hunterdon LLC. The Attorney not ready, tabled for next meeting.

- g. **Discussion** – Transco Pipeline. Tabled.

NEW BUSINESS

- a. The following resolution was introduced for adoption:

**RESOLUTION #2011-45
UNION TOWNSHIP, HUNTERDON COUNTY
Part-Time Recycling Attendant;**

WHEREAS, there is a need for a part-time recycling attendant; and

WHEREAS, Mark Ryan Peterson is qualified and has expressed an interest in same;

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union to hire Mark Ryan Peterson as a part-time recycling attendant, effective February 12, 2011, at an hourly rate of \$10.70 per hour.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mrs. Dziubek			X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

- b. The following resolution was introduced for adoption:

**RESOLUTION #2011-46
UNION TOWNSHIP; HUNTERDON COUNTY
RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES 2011
Stuart Koenig, Esq. Special Counsel – Affordable Housing**

WHEREAS, the Township of Union has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available in an appropriation entitled Legal Services and Costs, Other Expenses and have been certified by the local finance officer; and

WHEREAS, Stickel, Koenig & Sullivan, has completed and submitted a Business Entity Disclosure Certification which certifies that Stickel, Koenig & Sullivan has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit Stickel, Koenig & Sullivan from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A.40A:11-1, et seq.) required that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, Hunterdon County, NJ, as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Stuart Koenig, Esq., of Stickel, Koenig & Sullivan, a Professional Corporation, 571 Pompton Avenue, Cedar Grove, New Jersey 07009 for legal services for 2011.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because Stuart Koenig, Esq. is an attorney at Law of the State of NJ in good standing and is a person authorized to practice a recognized profession.
3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the 2011 temporary/adopted municipal budget(s).
4. A Notice of this action shall be printed once in the official newspaper of this municipality.

Date: March 2, 2011

CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, CFO of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2011 Temporary/Adopted Budget to award a contract to Stuart Koenig, Esq., as appropriated under the line item "Legal".

Date: _____

Grace M. Brennan, CFO

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza		X	X			
Mrs. Dziubek	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried subject to Attorney review.

NEW ORDINANCE – 1st Reading**ORDINANCE #2011-6****AN ORDINANCE APPROPRIATING THE SUM OF \$80,000.00 CURRENTLY LOCATED
WITHIN THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND
OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY,
FOR THE PURCHASE OF A NEW UTILITY TRUCK FOR THE ROAD DEPARTMENT**

Ordinance #2011-6 will be removed from the Agenda. The Committee will not consider it at this time.

REPORTS

Attorney's Report – Mr. Jost reported the following:

- Asked that Mr. Roseberry's contract be approved with adoption of the following resolution:

RESOLUTION #2011-47**UNION TOWNSHIP, HUNTERDON COUNTY
2011 PROFESSIONAL SERVICE CONTRACT/ENGINEERING SERVICES
Richard Roseberry / Maser Consulting P. A.**

WHEREAS, the Township of Union has a need to acquire engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the Chief Financial Officer has determined that the value of the services will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, the firm of Maser Consulting P.A., has completed and submitted a Business Entity Disclosure Certification which certified that Maser Consulting P.A. has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit Maser Consulting P.A. from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT AGREED by and between the Township of Union and Richard Roseberry from Maser Consulting P.A. as follows:

1. The Engineer shall be compensated at the hourly rate for all engineering services rendered as needed or requested by the Township Committee, Planning Board/Board of Adjustment, or other Township agencies.
2. Engineering services may be performed for the Township by other principals and employees of the firm of Maser Consulting P.A. under the direct supervision of C. Richard Roseberry, P.E. is unavailable or when otherwise necessary and desirable.
3. This agreement shall cover the period from February 16, 2011, to December 31, 2011.
4. The Township Engineer agrees that no services are to be performed unless specific approval is granted by an appropriate Township official either verbally or in writing.
5. An Affirmative Action Employee Information Report is attached and is part of this agreement. In addition, a copy of Exhibit A, Mandatory Affirmative Action Language, and business Disclosure Entity Certification and the Determination of Value are attached and also part of this agreement.

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6. Maser Consulting P.A. will carry, at its expense, during the appointment period professional liability insurance.
7. If any provision or part thereof of this agreement is held to be void or unenforceable under any law and shall be deemed stricken all remaining provisions shall nevertheless continue to be valid and binding upon the parties. The parties agree that this agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision which comes as close as possible to expressing the intention of the stricken provision.
8. A notice of this action shall be printed once in the official newspaper.

Date: March 2, 2011

CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2011 Temporary/Adopted Budget to award a contract to Maser Consulting P.A. under the line item "Engineering".

Date: _____

Grace M. Brennan, CFO

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried subject to Attorney review

- Contract renewal for Special Counsel Brinton – tabled for next meeting
- Littering issue at Louise's Truck Stop - In contact with the County.
- Wachovia (Wells Fargo) TCO – Has been handled administratively.

Mayor's Report

- "Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence." John Adams, 1770 In Defense of a British Soldier.
- Received Report from Dept of Commerce, US Census Bureau. The Clerk will take custody of the correspondence.
- Call from Ed Smith advising of a bill that will be put before the legislative committee tomorrow to increase portion of the money that would be kept by the Municipality from the court tickets issued by the State Police.

- Presented the Committee a copy of data comparing 26 Municipalities in the County by various categories.
- Committee Report**

Ms. McBride reported the following:

- Attended the “Time of Decision Municipal Land Use Law” session on February 23 presented by the County.
- Hunterdon County Planning Dept., two different groups within Union Township have been nominated for planning awards. The Union Township Stewardship Committee Douglass Farm for the Hermia Lechner Award and the Green Team nominated for the Green Sustainable Award. The presentation of the awards is scheduled for March 30th at Razberry’s.
- RFP for Green Energy Audit approved by TRC and RFPs for the audit have gone out to the five potential auditors. By the next meeting, replies from all five are expected. Hopefully the Committee will choose one of them at the next meeting.
- Clean Communities grant money from 2009 not spent. Identified various activities that could be charged against the grant money. Ms. McBride suggested and agreed to serve as UT Clean Communities Coordinator.
- the following resolution was dictated by Atty. Jost to appoint Michele McBride as the Township’s Clean Communities Coordinator:

RESOLUTION #2011-48
UNION TOWNSHIP, HUNTERDON COUNTY
TO APPOINT MICHELE McBRIDE AS CLEAN COMMUNITIES COORDINATOR

Therefore be it resolved that Michele McBride is hereby appointed the Clean Communities Coordinator for Union Township, Hunterdon County in accordance with the Clean Communities entitled program

Be if further resolved that this resolution shall take effect immediately.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza	X		X			
Mrs. Dziubek			X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

- South Branch Water Clean Up coordinator is V.J. DiRoberto. South Branch Clean Up is Saturday, April 16, 2011.

Mrs. Dziubek reported the following:

- Mr. Chuck LaTournas had made a presentation to Mrs. Dziubek to redesign the Township website. He will handle the work for the initial setup and posting large documents, but he would not be responsible for any posting or maintenance. Mrs. Dziubek said that upload to the website should be less complicated from current procedure. Mrs. Dziubek will contact other website design vendors.

Mr. Mazza reported the following:

- The road island issue at the intersection of Route 625 and Frontage Road in front of the Shell station needs to be addressed. Would like the Committee to consider writing a letter to meet with the County to discuss changes to the intersection.
- Ms. Dziubek mentioned that batteries will no longer be accepted at recycling centers per the County.

Mr. Severino reported the following: None

Clerk's Report

- Raffle License #2011-2 Amendment to Change the Date from 3/26/11 to 4/15/11

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

- Motion to waive a late fee for a Dog License renewal – 16 Rose Hill Court

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza	X		X			
Mrs. Dziubek		X	X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

PUBLIC COMMENTS

Atty. Walter Wilson, Lebanon, NJ – re: application for solar system. Mr. Wilson said he has several clients with applications for municipalities including Union Township. He offered his help and expertise with the solar ordinance if needed.

PAYMENT OF THE BILLS

Motion: The approved list of bills and all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza	X		X			
Mrs. Dziubek			X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

EXECUTIVE SESSION – the following resolution was introduced for adoption:

RESOLUTION 2011-49

Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

WHEREAS, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

2. _____ *Matters Relating to the Employment Relationship*: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in Executive session on March 2, 2011, at 9:02 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

At about 9:08 p.m. the Committee came out of Executive Session with the following roll call vote:

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mrs. Dziubek			X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

Mr. Bischoff – asked the Committees permission to respond to Harmen Vos letter published on HC News Online re: shared services.

ADJOURNMENT - There being no further business to come before the Township Committee at this time Mr. Mazza made a motion to adjourn. Mrs. Dziubek seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 9:12 p.m.

Respectfully submitted,

Ella M. Ruta, RMC
by Pat Essig
Administrative Assistant